

PUBLIC HEARING of the Town Council held Wednesday, June 25, 2008 in the Council Chamber, Town Building, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.

Note: An information session was held prior to the public hearing, starting at 6:30 p.m. Representatives of the Public Works Department were be available to answer any questions.

As preface to the public hearings, Michael C. Wood, Town Manager, outlined the on-going program of accepting roads into the Town system. The program entails identifying roads to be systematically accepted based upon a schedule of priority and availability of funding. Mr. Wood noted that, because of Ocean State Power money, approximately fifty roads had been accepted during his tenure. Mr. Wood explained that, if the Town Council accepted the roads currently under consideration, those roads would be included in the long-term capital program and eventually would be improved. Mr. Wood said that the Town would then be responsible for the roads, eliminating the liability associated with working on roads that are not town-owned. Mr. Wood said that the program of accepting roads would continue to be recommended as long as it could be financed, although the tax cap statute creates difficulties.

PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley and Norman C. Mainville.

MEMBERS ABSENT: Councilors John M. Karmozyn Jr. and Cynthia L. Roe were excused as they were out of town.

Councilor Kevin M. Blais said that the Town has a failing infrastructure and asked whether newly-accepted roads take precedence over roads currently in the Capital Program. Michael C. Wood, Town Manager, reviewed the procedure by which roads are recommended for improvement and the process of adding them to the Capital Program.

1. The hearing was called to order at 7:20 P.M. by Council President Nancy F. Binns.

Relative to considering and acting upon declaring that Shady Lane in the Town of Burrillville is a Public Highway, said Shady Lane is set forth in the plan, entitled:

Right of Way Plan, Shady Lane

Burrillville, Rhode Island

Prepared For: Town of Burrillville

105 Harrisville Main Street, Harrisville, Rhode Island 02830

Project No. 07-055 Scale: 1"=30'

Date: 12/10/07, Revised: 03/24/08, Waterman Engineering Co

NOTES: Notice was personally sent to all abutting property owners by certified mail, in accordance with the provisions of RIGL §24-2-1. Notice of the hearing was advertised in the legal section of the

Woonsocket Call on June 10, 17, and 24, 2008.

2. Legal analysis from Timothy F. Kane, Town Solicitor

Timothy F. Kane, Town Solicitor, noted that the proposed acceptance of Shady Lane was being conducted in accordance with the statutory process set forth in RIGL Title 24, Chapter 2. Mr. Kane reported that the Town was following the legal process, including notice, public hearing, considering resolutions and, if adopted, recording of plans, as required by statute.

3. Testimony from Department of Public Works

Richard A. Bernardo, P.E., Director of Public Works and Engineering Services, reviewed the program that the Town uses to consider acceptance of roads, as discussed earlier by Michael C. Wood, Town Manager, and Timothy F. Kane, Town Solicitor. Mr. Bernardo said that Shady Lane has some problems, that the Department was considering recommending that several roadways be addressed as a complete neighborhood, as budgets and the Town Council allow. Mr. Bernardo recommended that Shady Lane, Highland Road, and Maple Terrace be accepted to facilitate the proposal.

Mr. Bernardo testified that, based upon records and interviews with the Department foremen, the roadway has been maintained for at least twenty years by the Burrillville Department of Public Works.

Councilor Norman C. Mainville stated that he, too, was aware of maintenance of Shady Lane by the Department of Public Works at least going back to the blizzard of 1978. In response to a question from Councilor Kevin M. Blais, Mr. Bernado said that he believed the areas are serviced by sewer and water.

4. Testimony from Waterman Engineering Company

Richard Lipsitz said that Waterman Engineering Company had been working on the roadway program since 1998, adding a few roads yearly. Mr. Lipsitz said that Waterman Engineering Company had completed Class I surveys of the rights of way, prepared the plans, provided legal descriptions, and that, should the Council accept the roads, would record the plans at town hall.

5. Public Comment

Note: Persons who wish to address the Town Council shall state their name and address.

Proponents: None

Opponents: None

6. VOTED to close the public hearing.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley and Norman C. Mainville. Councilors John M. Karmozyn Jr. and Cynthia L. Roe were excused.

7. Town Council Members Comments/Input/Deliberation

8. VOTED to adopt a resolution declaring that Shady Lane in the Town of Burrillville is a Public Highway:

RESOLUTION DECLARING SHADY LANE IN THE TOWN OF BURRILLVILLE A PUBLIC HIGHWAY

The Town Council of the Town of Burrillville, acting pursuant to the authority granted to Town Councils by RIGL §24-2-1 et seq., hereby declares that Shady Lane in the Town of Burrillville is a Public Highway, said Shady Lane is set forth in the plan, entitled:

Right of Way Plan

Shady Lane

Burrillville, Rhode Island

Prepared For:

Town of Burrillville

105 Harrisville Main Street

Harrisville, Rhode Island 02830

Project No. 07-055 Scale: 1"=30'

Date: 12/10/07

Revised: 03/24/08

Waterman Engineering Co

The Town Council finds that the lands constituting Shady Lane has been or shall be quietly, peaceably, and actually used and improved and considered as a public highway for the space of twenty (20) years and are declared by the Burrillville Town Council to be a public highway, and are taken and considered as public highways to all intents and purposes as fully and effectively as if lands had been laid out, recorded and opened by the Town Council of the Town of Burrillville.

Adopted as a resolution this 25th day of June 2008

Motion by Councilor Kevin M. Blais. Seconded by Councilor Norman C. Mainville.

Discussion: Councilor Norman C. Mainville recognized the Town Councils, since 1996, who established the program for road acceptance and improvement of infrastructure within the Town. Councilor Mainville noted that acceptance of these particular roads

related, in part, to density issues. He said that the roads had been well maintained and spoke in support of the road improvement program moving forward.

The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley and Norman C. Mainville. Councilors John M. Karmozyn Jr. and Cynthia L. Roe were excused.

9. VOTED to adjourn at 7:27 P.M.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley and Norman C. Mainville. Councilors John M. Karmozyn Jr. and Cynthia L. Roe were excused.

The hearing was taped. The tape is on file with the record of the hearing.

Louise R. Phaneuf, Town Clerk